

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) AND 1.27(c)) -- SMALL BUSINESS CONCERN

Docket No.
C013-1002

Applicant or Patentee: Eric Robinson

Application or Patent No.: 09/416,675

Filed or Issued: October 12, 1999

Title: AUTOMATIC BACKUP SYSTEM

I hereby declare that I am

- ☐ the owner of the small business concern identified below:
- ☒ an official of the small business concern empowered to act on behalf of the concern identified below.

NAME OF CONCERN: CMS PERIPHERALS, INC.

ADDRESS OF CONCERN: 3095 REDHILL AVENUE, COSTA MESA, CA 92626

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that exclusive rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in

- ☒ the specification filed October 12, 1999, Application Serial No. 09/416,675
- ☐ this application.
- ☐ this patent.

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

SIGNED: Ken Burke

DATE: 12-23-99

NAME OF PERSON SIGNING: Ken Burke

TITLE: President



Attorney Docket: C013-1002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Eric Robinson

Serial No.: 09/416,675

Date Filed: October 12, 1999

For: AUTOMATIC BACKUP SYSTEM

Examiner: Not Yet Assigned

Group Art Unit: Not Yet Known

Assistant Commissioner for Patents
Attention: Box Missing Parts
Washington, DC 20231

Certificate of Mailing

I hereby certify that this document, together with any described as being attached or enclosed, is being deposited with the United States Postal Service as first class mail, postage fully prepaid, addressed to Assistant Commissioner for Patents, Attention: Box Missing Parts, Washington, D.C. 20231 on

JAN 25, 1999 - 2000 nm

Executed on

1/25/00

Maureen Vieira

Maureen Vieira

POWER OF ATTORNEY BY ASSIGNEE

Dear Sir:

The undersigned, CMS PERIPHERALS, INC., a California Corporation, having offices at 3095 Redhill Avenue, Costa Mesa, California 92626, owner of all right, title and interest in and to the above-identified patent application by reason of an Assignment executed by the applicant ERIC ROBINSON on Dec. 23, 1999, hereby revokes all other powers of attorney and appoints William G. Lane, Registration No. 24,761, with offices at William G. Lane, Inc., P.C., 18400 Von Karman Avenue, Suite 500, Irvine, CA 92612 as its attorney in connection with the above-identified patent application and any patent issuing thereon, with full power of substitution, association and revocation, to prosecute and maintain this patent application and any patent issuing thereon and to transact all business in the U.S. Patent and Trademark Office connected therewith.

CMS PERIPHERALS, INC., a California Corporation

Date: 12/23/99, 1999

BY:

KEN BURKE
President

Direct all Correspondence to:

WILLIAM G. LANE, INC., P.C.
18400 Von Karman Avenue, Suite 500
Irvine, CA 92612
Telephone: 949-474-9961
Facsimile: 949-474-9973

Please type a plus sign (+) inside this box → ☐

3

PTO/SB/01 (12-97)

Approved for use through 9/30/00. OMB 0651-0032

Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.



**DECLARATION FOR UTILITY OR
DESIGN
PATENT APPLICATION
(37 CFR 1.63)**

☐ Declaration
Submitted
with Initial
Filing

OR

☒ Declaration
Submitted after Initial
Filing (surcharge
(37 CFR 1.16 (e))
required)

Attorney Docket Number C013-1002

First Named Inventor ROBINSON, ERIC

COMPLETE IF KNOWN

Application Number 09/ 416,675

Filing Date Oct. 12, 1999

Group Art Unit

Examiner Name

As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

AUTOMATIC BACKUP SYSTEM

the specification of which

(Title of the Invention)

☐ is attached hereto
OR

☒ was filed on (MM/DD/YYYY) 10/12/99 as United States Application Number or PCT International

Application Number 09/416,675 and was amended on (MM/DD/YYYY) (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				YES	NO
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto:

I hereby claim the benefit under 35 U.S.C. 119(e) of any United States provisional application(s) listed below.

Application Number(s)	Filing Date (MM/DD/YYYY)	<input type="checkbox"/> Additional provisional application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 0.4 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Please type a plus sign (+) inside this box → ☐

PTO/SB/01 (12-97)
Approved for use through 9/30/00. OMB 0651-0032
Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

DECLARATION — Utility or Design Patent Application

I hereby claim the benefit under 35 U.S.C. 120 of any United States application(s), or 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. Parent Application or PCT Parent Number	Parent Filing Date (MM/DD/YYYY)	Parent Patent Number (If applicable)

☐ Additional U.S. or PCT international application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

As a named inventor, I hereby appoint the following registered practitioner(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

☐ Customer Number

OR

☐ Registered practitioner(s) name/registration number listed below

Place Customer Number Bar Code Label here

Name	Registration Number	Name	Registration Number
WILLIAM G. LANE	24,761		

☐ Additional registered practitioner(s) named on supplemental Registered Practitioner Information sheet PTO/SB/02C attached hereto.

Direct all correspondence to: ☐ Customer Number or Bar Code Label

OR ☒ Correspondence address below

Name	WILLIAM G. LANE				
Address	18400 VON KARMAN AVENUE, SUITE 500				
Address					
City	IRVINE	State	CA	ZIP	92612
Country	USA	Telephone	949 474-9961	Fax	949 474-9973

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Name of Sole or First Inventor:

☐ A petition has been filed for this unsigned inventor

Given Name (first and middle (if any))	Family Name or Surname
ERIC	ROBINSON

Inventor's Signature	<i>Eric F. Robinson</i>			Date	2/30/97		
Residence: City	MISSION VIEJO	State	CA	Country	92691	Citizenship	USA
Post Office Address	CMS PERIPHERALS, INC.						
Post Office Address	3095 REDHILL AVENUE						
City	COSTA MESA	State	CA	ZIP	92626	Country	USA

☐ Additional Inventors are being named on the _____ supplemental Additional Inventor(s) sheet(s) PTO/SB/02A attached hereto



Attorney Docket: C013-1002

sector #
✓

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Eric Robinson

Serial No.: 09/416,675

Date Filed: October 12, 1999

For: AUTOMATIC BACKUP SYSTEM

Examiner: Not Yet Known
Group Art Unit: ~~2782~~ 2787

Certificate of Mailing

I hereby certify that this document, together with any described as being attached or enclosed, is being deposited with the United States Postal Service as first class mail, postage fully prepaid, addressed to Commissioner of Patents and Trademarks, Box Missing Parts, Washington, D.C. 20231, on January 25, 2000.

Dated: January 25, 2000

Maureen Vieira
Maureen Vieira

Commissioner of Patents and Trademarks
BOX MISSING PARTS
Washington, DC 20231

RESPONSE TO NOTICE TO FILE MISSING PARTS
OF APPLICATION - FILING DATE GRANTED

Dear Sir:

In response to the Notice to File Missing Parts of Application - Filing Date Granted, dated November 4, 1999, an extension of time of one month, until February 4, 2000, is hereby requested in the above-identified application. Enclosed are the following.

- 1) Copy of Form PTO-1533;
- 2) Declaration with Power of Attorney signed by sole inventor;
- 3) Power of Attorney by Assignee
- 4) Certificate Under 37 CFR 3.73(b) with copy of Assignment
- 5) Verification Statement Claiming Small Entity Status - Small Business;
- 6) Check in the amount of \$465.00 for:

small entity filing fee	\$345.00
surcharge	65.00
first extension of time	55.00

02/04/2000 NHASSANI 00000069 09416675

01. FC:215

7) Certificate of Mailing.
55.00 OP

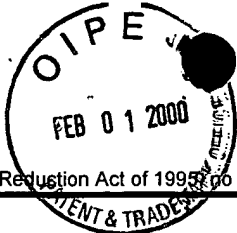
Date:

Jan. 25, 2000

Respectfully submitted,

William G. Lane
William G. Lane
Registration No. 24,761
Attorney of Record

LAW OFFICES OF WILLIAM G. LANE
18400 Von Karman Avenue, Suite 500
Irvine, California 92612
Telephone: 949-474-9961; Facsimile: 949-474-9973



GP 2787

Under the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless it contains a valid OMB control number

CERTIFICATE UNDER 37 CFR 3.73(b)

Applicant: ERIC ROBINSON

Application No.: 09/416,675

Filed: October 12, 1999

Entitled: AUTOMATIC BACKUP SYSTEM

CMS PERIPHERALS, INC.

(Name of Assignee)

a California corporation

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

certifies that it is:

- 1. ☒ the assignee of the entire right, title, and interest; or
- 2. ☐ an assignee of an undivided part interest

in the patent application identified above by virtue of either:

A. ☒ An assignment from the inventor(s) of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

B. ☐ A chain of title from the inventor(s), of the patent application identified above, to the current assignee as shown below:

- 1. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.
- 2. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.
- 3. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☐ Copies of assignments or other documents in the chain of title are attached.

The undersigned (whose title is supplied below) is empowered to sign this certificate on behalf of the assignee.

12-23-99
Date


Signature

Ken Burke
Typed or printed name

President
Title

RECEIVED
APR 26 2000
TC 2700 MAIL ROOM

RECEIVED
JUN - 7 2000
TECH CENTER 2700

RECEIVED
APR 25 2000
OIPE/JCWS

RECEIVED
JUN - 5 2000
OIPE/JCWS

COPY

ASSIGNMENT

WHEREAS, the undersigned, ERIC ROBINSON, a citizen of the United States of America, residing in Mission Viejo, California, (hereinafter referred to as "ASSIGNOR"), has invented an AUTOMATIC BACKUP SYSTEM (hereinafter, "Invention") for which Patent Application Serial No. 09/416,675, was filed October 12, 1999 in the United States Patent and Trademark Office (hereinafter "Patent Application"); and

WHEREAS, CMS PERIPHERALS, INC., a California corporation, having a place of business at 3095 Redhill Avenue, Costa Mesa, California 92626 (hereinafter referred to as "ASSIGNEE"), is desirous of acquiring the entire right, title and interest in said Patent Applications:

NOW, THEREFORE, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt whereof is hereby acknowledged, ASSIGNOR by these presents do sell, assign and transfer unto ASSIGNEE, its successors-in-interest, the full and exclusive right, title and interest in the United States of America and all foreign countries, including the right to claim priority under the Paris Convention, in and to said Inventions as described in the Patent Applications, said Inventions and all applications for Letters Patent thereof and all Letters Patent issued therefor to be held and enjoyed by ASSIGNEE to the full end of the term for which said Letters Patent are granted and any extensions thereof, as fully and entirely as the same would have been held by ASSIGNORS had this Assignment and sale not been made; and ASSIGNORS hereby covenant and agree to execute all instruments or documents required or requested for the making and prosecution of applications for Letters Patent of the United States of America and all foreign countries on, for litigation regarding, or for the purpose of perfecting or protecting title to the said Inventions or

COPY

Letters Patent therefor for the benefit of ASSIGNEE without further or other compensation than that above set forth; and ASSIGNOR hereby requests the Commissioner of Patents and Trademarks to issue said Letters Patent of the United States of America to ASSIGNEE.

DATED: 23 Dec 99. Eric F. Robinson
ERIC ROBINSON

STATE OF CALIFORNIA)
) SS.
COUNTY OF ORANGE)

RECEIVED
APR 26 2000
TC 2700 MAIL ROOM

On the ____ day of _____, 199__, before me _____
a Notary Public in and for the state and county aforesaid, personally appeared ERIC
ROBINSON personally known to me (or proved to me on the basis of satisfactory evidence) to
be the persons whose names are subscribed to the within instrument and acknowledged to me
that they executed the same in their authorized capacity, and that by their signatures on the
instrument, the persons, or the entities upon behalf of which each person acted, executed the
instrument.

WITNESS my hand and official seal.

(Seal)

NOTARY PUBLIC